S.B. CIVIL WRIT PETITION NO. 2578/2004

Anoop Kavia Vs. State of Raj & Ors.

DATE OF ORDER :: 28.3.2007

HON'BLE MR. GOVIND MATHUR, J.

Mr. S.N. Trivedi, for the petitioner.
Mrs. R.R. Kanwar, Addl. Govt. Advocate.
Mr. Tarun Joshi, for the respondent-Commission.

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Under a notification dated 15.11.2001, the Rajasthan Public Service Commission invited applications from eligible desirous candidates to face selection proceedings conducted for the purpose of appointment to the post of Assistant Sub-Inspector under Rajasthan Police Subordinate Service Rules, 1989 (hereinafter to be referred to as the Rules of 1989). The petitioner faced selection proceedings conducted in pursuant to the advertisement, however, was not called to face interview after qualifying the written and physical test. Being aggrieved by the same this petition for writ is preferred.

In reply to the writ petition it is contended by the respondent-Commission that in view of the sub-rule (6) of Rule 21 of the Rules of 1989 the candidates who are declared successful in written test under sub-rule (3) and the physical efficiency test under sub-rule (5) shall be eligible for interview, however, calling of such candidates shall be confined to three times of the number of vacancies on basis of merit based on aggregate marks obtained in both written test

and physical efficiency test. The petitioner, in order of his merit, was not among the candidates up to three times of the number of vacancies, therefore, there was no occasion to call him to face interview.

Heard counsel for the parties.

It is not in dispute that the proviso to sub-rule (6) of Rule 21 of the Rules of 1989 empowers the Commission to call the candidates who have qualified written and physical test up to three times of total number of vacancies and the petitioner admittedly was not within the number proscribed. As such, I do not find any error in the decision of the respondent- Commission. The same view is taken by this Court in DB Civil Special Appeal (W) No.350/2004 (Ashok Kumar Vs. State & Anr.)

In view of whatever discussed above this petition for writ is having no merit, and therefore, the same is dismissed.

(GOVIND MATHUR),J.

J.Goyal